

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**JUDGMENT IN A CIVIL CASE**

**ALAN KISHBAUGH,**

Plaintiff,

v.

**CASE NUMBER: 3:13-cv-481 (DNH/TWD)**

**CAROLYN W. COLVIN,  
Commissioner of Social Security,**

Defendant.

**Decision by Court.** This action came to a hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the final decision of the Defendant be and hereby is REVERSED, and the matter is REMANDED to the Defendant for further administrative action. It is further ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

All of the above pursuant to the order of the Honorable Judge Thérèse Wiley Dancks, dated the 4<sup>th</sup> day of April, 2014.

DATED: April 4, 2014

  
Clerk of Court

By: s/ Nicole Killius  
Deputy Clerk